

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**MICHELLE MILEVOI o/b/o M.E.M.,**  
**Plaintiff**

**v.**

**ANDREW SAUL,**  
**Commissioner of Social Security,**  
**Defendant**

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**No. 1:18-cv-02220**

**(Judge Kane)**  
**(Chief Magistrate Judge Schwab)**

**ORDER**

Before the Court is the December 4, 2019 Report and Recommendation of Chief Magistrate Judge Schwab (Doc. No. 20), recommending that this Court vacate the Commissioner's final decision denying Plaintiff's minor daughter M.E.M.'s claim for supplemental security income benefits under Title XVI of the Social Security Act on the basis that the Commissioner's final decision was not supported by substantial evidence because the administrative law judge failed to adequately discuss the evidence and explain his determination that M.E.M. has less than marked limitations in attending and completing tasks. No timely objections to the Report and Recommendation have been filed.

**ACCORDINGLY**, on this 19th day of December 2019, upon independent review of the record and applicable law, **IT IS ORDERED THAT:**

1. The Clerk of Court is directed to amend the caption of this action to reflect that Andrew Saul, Commissioner of Social Security, is the named defendant in this case;<sup>1</sup>
2. Chief Magistrate Judge Schwab's Report and Recommendation (Doc. No. 20) is **ADOPTED**;

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<sup>1</sup> Defendant Nancy A. Berryhill, who previously served as the acting Commissioner of Social Security, was initially named as the defendant in this case. Andrew Saul became the commissioner of Social Security on June 17, 2019. Accordingly, the Court will direct the Clerk of Court to amend the caption of the case pursuant to Federal Rule of Civil Procedure 25(d), which provides that a public officer's successor is automatically substituted as a party in an action brought against the public officer in an official capacity.

3. The Commissioner's final decision denying Plaintiff's minor daughter's claim for supplemental security income benefits is **VACATED**;
4. The Clerk of Court is directed to enter judgment in favor of Plaintiff and against the Commissioner;
5. The above-captioned action is **REMANDED** to the Commissioner for further proceedings consistent with Chief Magistrate Judge Schwab's Report and Recommendation (Doc. No. 20); and
6. The Clerk of Court is directed to **CLOSE** the above-captioned action.

s/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania